

ORDINANCE NO. 1067

AN ORDINANCE AMENDING TITLE ELEVEN (11) CHAPTER EIGHT (08) SECTION TWO HUNDRED (200) TO REVISE THE TREE AND LANDSCAPING REGULATIONS IN FAIRFIELD, IOWA

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRFIELD, IOWA, THAT:

Section One: Addition: Ordinance Section 11.08.200. Placement and location of shrubs, plants and flowers. All shrubs, plants and flowers shall hereafter be placed so as to avoid interference with overhead utility wires or underground cables, sewers or drains. All planting within the public rights-of-way shall be of varieties that will pose a minimum of maintenance problems when mature. Any plantings in the rights-of-way shall not be allowed to grow higher than twenty-four inches from the curb and shall not interfere with pedestrian or vehicular traffic.

Section Two: Addition: Ordinance Section 11.08.210. Corner lot requirements. Nothing may be planted on corner lots on the city right-of-way above eighteen (18) inches in height from the curb without written permission from the city of Fairfield in all R-1, R-2, R-3, R-4, R-5 zoning districts.

Section Three: Addition: Ordinance Section 11.08.220. Regular lot requirements. Nothing may be planted on regular lots in the city right-of-way above twenty-four (24) inches in height above the curb without written permission from the city of Fairfield in all R-1, R-2, R-3, R-4, R-5 zoning districts.

Section Four: Addition: Ordinance Section 11.08.230. Fruits & Vegetables. No fruits or vegetables may be grown on any city right-of-way.

Section Five: Addition: Ordinance Section 11.08.240. Notice of landowner to remove shrubs, plants and flowers. A landowner, becomes liable for the cost and expense of removing a shrub, a plant or a flower only after a finding is made by the city council that such shrub, plant or flower is subject to removal under the provisions of Section 11.08.210, 11.08.220 and 11.08.230 and orders the removal thereof at the cost and expense of such landowner, and service of a copy of the finding and removal order is made on the landowner. Such order shall set out with clarity the date fixed for the removal of such shrub, plant or flower, giving the landowner a reasonable time to remove same but not less than ten days from the time of service of such removal order. Such order shall be served on the landowner in the manner provided for service of original notices

under the laws of the State of Iowa, and the city shall bear the cost of service of such removal order.

Section Six: Severability: If any section, provision, or part of this Ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

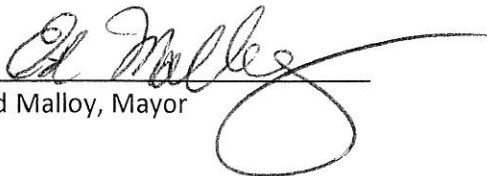
Section Seven: Effective Date: This Ordinance shall be in full force and effect after its final passage, approval and publication as provided by law starting January 1, 2012.

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The foregoing ordinance was adopted by the City Council of the City of Fairfield, Iowa at its regular meeting held on the 11TH day of July, AD, 2011 upon a motion by Councilperson Silvers and seconded by Councilperson Hamilton.

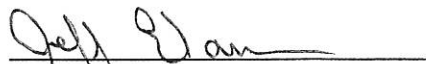
The vote on the foregoing ordinance was as follows:

	AYES	NAYS	ABSTAIN	ABSENT
Gookin	_____	_____	_____	<u> X </u>
Hamilton	<u> X </u>	_____	_____	_____
Adam	<u> X </u>	_____	_____	_____
Halley	_____	<u> X </u>	_____	_____
Revolinski	_____	<u> X </u>	_____	_____
Mottet	<u> X </u>	_____	_____	_____
Silvers	<u> X </u>	_____	_____	_____



Ed Malloy, Mayor

ATTEST:



Jeff Clawson, City Adminsitrator

SEAL